

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

JAMAL BRYANT,

Defendant.

ORDER

18 CR 503 (VB)

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By Order dated July 31, 2020 (Doc. #17), the Court denied without prejudice defendant Jamal Bryant's July 23, 2020, motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (see Doc. #16), because defendant's submission did not indicate whether the exhaustion requirement, a prerequisite to making such a motion, had been satisfied.

On August 12, 2020, the Court received by mail a submission from defendant, dated August 6, 2020. (Doc. #18). The submission contains a letter dated July 15, 2020, from the warden of defendant's facility, which indicates that on or prior to July 15, 2020, defendant made an application to the warden for compassionate release under Section 3582(c)(1)(A)(i), and that on July 15, 2020, the warden denied defendant's request. (Id.).

Thirty days following the warden's July 15, 2020, response to defendant's compassionate release application would be August 14, 2020. Accordingly, more than thirty days have lapsed since the warden's receipt of defendant's application. For this reason, defendant's motion, if filed today, would be timely under Section 3582(c)(1)(A). In consideration of defendant's pro se status, and the fact that he is in custody, rather than require defendant to re-file his motion for a reduction of sentence, the Court deems the motion re-filed as of today. (See Doc. #16).

Accordingly, by September 1, 2020, the government is directed to file its response to defendant's motion. (Doc. #16). The government is directed to address the merits of the motion.

Chambers will mail a copy of this Order to defendant at the following address:

Jamal Bryant, Reg. No. 85944-054
FCI Beckley
Federal Correctional Institution
P.O. Box 350
Beaver, WV 25813

Dated: August 18, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti, U.S.D.J.